

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

EYVETTE WELLS  
Plaintiff,

v.

McFARLAND CASCADE POLE &  
LUMBER CO., a Washington corporation,  
Defendant.


Case No. C05-5730 RBL  
ORDER OF DISMISSAL

This matter is before the court on the Defendant's Motion for Relief from Discovery Deadline and to Compel Compliance with the Court's Earlier Discovery Order [Dkt. #28]. This Motion follows two prior Orders compelling the Plaintiff to engage in discovery and to prosecute her claims, as well as a status conference in which the court sought to clearly explain the consequences of continued delays. [See Dkt. Nos. 13, 26 and 27.]

According to the Defendants, the Plaintiff has not yet paid the earlier monetary sanction and continues to be non-cooperative and non-responsive with respect to ongoing discovery issues. The Plaintiff has not responded to the Defendant's motion. Under the circumstances, there is no point in additional monetary sanctions, or in continuing the discovery deadlines.

1 Therefore, this case is DISMISSED WITH PREJUDICE. The earlier monetary sanction is  
2 VACATED and the Defendant's Motion [Dkt. #28] and the Parties' Stipulated Protective Order [Dkt. #30]  
3 are DENIED as moot.

4 DATED this 9<sup>th</sup> day of November, 2006.

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7 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE  
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